Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-26, 28-37, and 39-50 are pending in the application, with claims 16 and 28 being the independent claims. Claims 16 and 28 have been amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 16-26, 28-37, and 39-50 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

With respect to amended claims 16 and 28, the Examiner contends that he did not find support for the following recited features:

> "...**capturing and storing the at least one desired data object** from the received **broadcast data stream** based on said information, on the at least one desired **data object's object identifier** contained in the broadcast data stream, and on a **schedule**..."

The specification describes each of these features in at least the portion of the specification starting on page 38, line 22, and running through page 39, lines 18-19. The specification describes the following features: the capability to "...**capture and hold identified objects** ..." (page 39, lines 6-7), from "...the **broadcast data stream**..."

(page 39, line 3), based on the capability to "...watch for receipt of **data objects identified** as relating to the...information product..." (page 39, lines 5-6), and to base user requests for data objects on a schedule **"...operating at the user stations, [which] automatically fetches new issues according to a newsletter schedule..."** (page 39, lines 18-19).

Further support for an automatic, schedule driven update of data objects can be found in the specification on page 53, lines 4-6, "...Level 0 enables a user to **retrieve remote information objects...in an automatic, unattended manner**...", and on page 53, lines 9-10, "...Level 1, by providing suitable API functionality, **enables automatic object retrieval** (and send) functions to be integrated into the information product's own interface...".

With respect to claims 20-21 and 32, the Examiner contends that he did not find support for the following recited feature:

> "...**selecting** the first one of the **plurality of independently operated data sources from a listing** of each of the plurality of independently operated data sources..."

The specification describes the selection feature on page 38, lines 25-26, "...objects are contained within a broadcast data stream...**tuned** to identify and receive from the broadcast specific data elements..." (page 38, lines 25-26). The specification

recites multiple data sources on page 51, lines 9-11, "...**Multiple information products 12 can be updated** from a single server...", and the specification recites multiple servers on page 51, lines 23-25, "...equipping transporter 14 with multiple protocols enabling the **user automatically to access any one of multiple servers**...".

With respect to claim 25, the Examiner contends that he did not find support for the following recited features:

> "...wherein the method is performed a **plurality of consecutive times**, wherein during each time the method is performed, a user at the **user station can access desired data objects that have previously been captured** and stored during a prior time the method is performed.

The specification describes a multiple fetches on page 45, lines 19-21, "...execution of **one or more fetch or send transactions** to or from a remote server...with no human interaction at either end being necessary after initiation...", and the specification recites user access to data objects in temporary storage on page 39, lines 7-8, where a "...schedule transport function...can then be set to **fetch received data objects from temporary storage**...". Temporary storage implies the data objects are removed from the stream and accessible offline.

With respect to claim 36, the Examiner's rejection and Applicant's response are fundamentally the same as the rejection for claim 25, where arguments are given in the previous paragraph.

Claims 40-42 and 46-48 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

The Examiner contends that there is "insufficient antecedent basis for ['the at least one data object'] in each of the respective claims." Applicant submits that it is clear that the element "at least one data object" in claims 40-42 and 46-48 refers back to the element "at least one desired data object" in claims 16 and 28, respectively. However, in an effort to obviate this ground of rejection, Applicant has amended claims 40-42 and 46-48 to clarify the antecedent basis for the objected to terms.

Rejections under 35 U.S.C. § 102

Claims 16-19, 23-26, 28-31, 34-37, 39-42, and 45-46 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Joseph et al., U.S. Patent No. 5,819,034, ("Joseph"). Applicant respectfully traverses this rejection.

The Examiner contends that Joseph teaches each of the elements in independent claims 16 and 28, including "...capturing and storing...from the received broadcast data stream **based on...a schedule**...". Applicant respectfully disagrees.

The Examiner contends that Joseph inserts the "...desired data object in the broadcast data stream...in accordance with [a] schedule...". The Examiner cites Joseph, column 10, lines 20-24 as justification for his position. Joseph addresses transmissions from server to clients in column 10, lines 20-24. Joseph uses a "flow builder" to generate a "transmission schedule", which is organized in a "transport package" for transmission. The schedule Joseph generates governs transmission events from server to client, ***as determined by the server***.

In stark contrast, the schedule recited in the claims governs transmission events from server to client ***as requested by the client***. A schedule driven fetch object request is supported in the specification, page 39, lines18-20, which recites:

> "...As the transporter 14, **operating at the user stations, automatically fetches new issues according to the newsletter schedule**, the information is, in effect, pushed down a channel from a distribution server for delivery..."

The schedule could effect the client side handling of data object fetches from broadcast data streams. The specification recites on page 100, lines 17-19, the client may "...fetch objects communicated over the primary broadcast channel...", where "...the ***active request*** for a fetch object...could be effected in various ways...".

Furthermore, the schedule can be extracted on the receive end and then used to regulate future data extraction from temporary storage, as recited from the specification previously, on page 39, lines 18-20, and further on page 39, lines 7-8, "...A schedule transport function can then be set to fetch the received data objects from temporary storage and prepare them for use...".

Joseph does not teach or suggest fetching or the client side handling of data objects based on a schedule **"...operating at the users stations..."**, nor does Joseph teach or suggest receiving a schedule at the users station which can be used to regulate future data extraction, nor does Joseph teach or suggest receiving a schedule of any kind. For at least these reasons, independent claims 16 and 28 are patentable over Joseph. Claims 17-19, 23-26, and 39-42 depend from claim 16, and claims 29-31, 34-37, and 45-46 depend from claim 28. For at least these reasons, and further in view of their own features, claims 17-19, 23-26, 29-31, 34-37, 39-42, and 45-46 are patentable over Joseph. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 20-21 and 32 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Joseph. Applicant respectfully traverses this rejection.

The Examiner contends that Joseph teaches each of the features in independent claims 16 and 28. Arguments to the contrary are set forth above, in addressing the Section 102 rejections. For at least these reasons, dependent claims 20-21 and 32 are patentable over Joseph. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Claims 22 and 33 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Joseph, and in the alternative over Joseph in view of Wagner et al., U.S. Patent No. 5,761,602, ("Wagner"). Applicant respectfully traverses this rejection.

The Examiner contends that Joseph teaches each of the featrues in independent claims 16 and 28. Arguments to the contrary are set forth above, in addressing the Section 102 rejections. Specifically, Joseph does not teach or suggest receiving a schedule in a broadcast data stream.

Wagner inserts data in a broadcast data stream in the vertical blanking interval or data subcarrier (column 3, lines 54-57), or in the horizontal blanking interval (column 5, lines 28-30), or in unused cable channels (column 6, lines 59-61). Point-to-point connections are made by a router port through a distributor channel; client specific data is decoded at the user station (column 4, lines 1-13 and 28-40).

Wagner specifies received data as data packets (column 4, lines 1-3), emails (column 4, lines 10-13, and file downloads (column 6, lines 14-17). Wagner does not specify a schedule as received data at the users station.

Neither Joseph, nor Joseph in combination with Wagner, specify a schedule as received data at the user station. For at least these reasons, independent claims 16 and 28 are patentable over Joseph in view of Wagner, and claims 22 and 33, which are dependent on claims 16 and 22, respectively, are also patentable over Joseph in view of Wagner. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Claims 20-21, 32, 43-44, and 47-50 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Joseph. Applicant respectfully traverses this rejection.

The Examiner contends that Joseph teaches each of the limitations in independent claims 16 and 28. Arguments to the contrary are set forth above, in addressing the Section 102 rejections. For at least these reasons, claims 20-21 and 32, which depend from claim 16, and claims 43-44 and 47-50, which depend from claim 28, are patentable over Joseph. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for

allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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